



MINUTES
30th meeting of LDAC Working Group 5
HORIZONTAL ISSUES

Thursday 23 March 2023
Hybrid meeting: Brussels Berlaymont Hotel / Zoom

Chair: Julien Daudu (EJF)
Vice-Chair: Daniel Voces (Europeche)

1. Welcome by the Chair.

In absence of the WG5 Chair, the WG5 Vice Chair, Mr. Daniel Voces, welcomes all members and observers, including guests speakers and presenters representing the European Commission (DG MARE) and EU MS national administrations.

The complete list of attendees is included in ANNEX.

2. Adoption of minutes of the last WG5 meeting – 27 October 2022.

The minutes of the previous WG5 meeting, held in Brussels on 27 October 2022, are deemed approved with no changes or additional comments.

3. Adoption of the agenda.

The draft agenda is approved with a deletion of item 5.2 on follow up of LDAC-MAC advice on Addressing China's global distant water fleet activities, since the LDAC is still waiting to receive the EC reply in writing.

4. Fight against Illegal, Unreported and Unregulated fishing (IUU):

4.1. Update from DG MARE on latest developments regarding carding process, implementation of IUU Regulation and adherence to IUU Fishing Action Alliance Pledge.

The EC representative and Head of the MARE B4 Unit, **Roberto Cesari**, accompanied by his colleague **Desirée Kjolsen**, made an update on different points regarding state of play of EU policy linked to fight against IUU Fishing.

In terms of IUU Dialogues with third countries, the EC actions in the field and missions have been severely restricted and affected during COVID times. Since April 2022, MARE officials are back to a situation closer to "pre-pandemic normality", undertaking mission audits on spot to assess performance and progress of third countries. In this respect, they have seen big differences on what they received online in terms of reported progress and what they have seen on the spot in terms of real progress.



The DG MARE IUU Unit's objectives remain the same since the beginning of the mandate. The IUU team, notwithstanding its small size in number of officials, works to maintain the leadership of the EU on the fight against IUU fishing, implementing a zero-tolerance approach through cooperation with and support of third countries subject to the carding system. Every mission is useful also to monitor and provide guidance and training to administrations of those third countries.

A particular emphasis and priority was put into yellow carded countries, in particular Ecuador, Panama, Vietnam, Ghana and Liberia. Additionally, informal dialogues took place on identified shortcomings to start cooperation in fight against IUU fishing with some other countries, like Mauritius.

Furthermore, the MARE IUU Unit seeks to help and support EU Member States to improve efficient implementation of the Catch Certification Scheme (CCS) which is the main pillar of the EU Fight against IUU fishing policy. The EC meets the EU Member States on a regular basis, every 3-4 months, within the framework of IUU CCS WG, with the support of EFCA. One specific action is the revision of the FAQ in perspective of helping Member States administration to execute their tasks in a more coordinated and effective manner.

Regarding a recently published study on EU legislative framework for MS nationals, the EC conducted a comprehensive analysis on how the 27 MS of the EU are transposing arts 39-40 of IUU Regulation on nationals. This is a sensible issue from a legal point of view. An ad hoc group with MS will be arranged to deal with the results.

The EC representative also recalled that, with the soonly expected to be adopted revised Fisheries Control regulation and the implementation of the IT CATCH, the EC will be able to check in real time how many alerts of suspicious consignments the Member States received and how many have been ignored. If it is above a certain threshold, the EC will have the possibility to initiate a sanctioning regime against specific EU Member States.

On horizontal topics, the EC representative explained that they are working on the transposition into the EU legislation of the WTO Agreement on Subsidies and provisions on prohibition of subsidies promoting IUU fishing. This includes supporting the RFMO unit when it comes to discussions on this topic within the RFMO annual meetings or its control and compliance committees.

Another point for information was the state of play of the IUU Fishing Action Alliance: the pledge is a political declaration launched by UK, USA and Canada just before the start of the UN SDG14 Conference in Lisbon in June 2022. Even it does not contain new policy developments, commitments or legal obligations, the EC had to go through Council procedure for reaching a legal agreement to join this initiative. The EC was able to complete internal procedures in time before Our Ocean Conference in Panama and there we were able to announce the membership with mandate from the Council. This pledge is important on a political point of view, but it is also important to see what happens in reality in the field. Chile, New Zealand, Norway, Panama and Korea have also joined the pledge.



4.2. Update from DG MARE on cooperation with third countries: Ecuador, Ghana, Liberia, Panama, Cameroon, USA, Vietnam.

Panama

First country that received a second Yellow Card, in 2019. It is the country with the more EC missions in the last years. Panama is a big World Fleet register but also has a high number of fisheries and fishing vessels not really under the control of Panamanian authorities. A mission undertaken on March 2023 was the last warning from EC before taking a decision on moving from yellow to red card. The mission was encouraging in the sense that situation has not worsened in respect of the previous mission completed in June 2022. There is new staff hired and a slight improvement in knowledge and capacities. Despite some of the big reefers are still not under full control, they started an exercise of control of transshipments and landings in third country ports. A new law is expected to be adopted on 15 April. However, there is still an outstanding problem with the longliner fleets operating in ICCAT flagged to Panama but operating from Surinam, and not controlled by any of the two countries.

The EC will continue monitoring the progress of this countries and maintaining the yellow card for the time being.

Ghana

The next mission is scheduled after Easter. Ghana is also a recidivist country with a second yellow card issued in June 2021, the reasons being: conservation and management measures not duly implemented, occurrence of illegal transshipments and landings in relation to saiko fishing in Tema, strong deficiencies and gaps in the MCS system. The main problem of Ghana is its trawling fleet, with legislative and control measures neither effective nor deterrent, out of date and not functional.

In terms of good news, after the biological stop of July-August, the Fisheries Minister adopted a resolution on gears for trawlers to be more selective and these fleets to be subject to vessel inspections.

The EC representative explained that the work with flag and coastal states of Panama and Ghana is also indirectly linked with China, because beneficial ownership of the companies of these flagged vessels are Chinese. Also, the reefers taking the transshipments of Chinese longliners.

Liberia

The last EU mission in the field was performed in October-November. Liberia is reforming its legal framework, but implementation is not evident enough to lift the yellow card. Sanctions and enforcement are not at the level expected, mainly for monitoring, control and surveillance of Liberian flagged vessels, in particular reefers and tankers supporting fishing activities. The EC is developing a MoU with neighbour coastal states to control transshipments.



Cameroon

This country got a red card in January 2023 because it has been identified as a non-cooperating country. They did not cooperate with the EU, NGOs nor FAO. Even after the yellow card, in February in 2021, Cameroon kept unregistering fishing vessels operating outside their waters with no legal basis, while keeping registering vessels listed as IUU vessels. The EC still open to cooperate with this country but so far there are no signals of improvement.

Vietnam

An EU delegation visited this country on mission from 20-29 October 2022. There are improvements in many areas but still some issues to be tackled to be able for the system to fully prevent occurrence of IUU fishing activities. The main problem is the consistency between enforcement of laws and actions taken at central level and what happens in the field at the level of provincial governments. There is in particular a problem with the so-called “blue boats” vessels poaching the waters of neighbouring countries. For the time being, the EU is not in a position to lift this card but will keep on collaborating with the Vietnamese authorities and return to Vietnam in Spring this year to check on progress made.

USA

The EC has a joint statement signed with USA since 2011. Annual IUU WGs take place regularly to discuss policy developments, exchange information and find synergies. At USA level, there are some internal issues in terms of competencies and coordination (e.g., State department vs NOAA). The EC is trying to find a way to join forces with USA to enhance fight against IUU because for now on EU is the only Party in the world that make countries changes their position on IUU fishing through the carding system.

China

The EC is dealing with China’s interests indirectly. For example, Panama has been deregistering 33 fisheries related vessels because the companies had some background links with IUU, and most were owned by Chinese companies.

Additionally, the EC had a IUU WG with China on 17th February. The main issue with China stands from the dimension of their fleet either flagged or controlled by Chinese interests, with an estimated number of around 2600 vessels – without considering South China Sea. This is the result of 1 580 Chinese flagged vessels recorded in the FAO register plus 1 100 beneficially owned by China but flagged in other countries.

On the absence of a yellow card for China, in comparison to other countries, the EC representative explained that the work done in the framework of the IUU WG would allow having much more information in respect of that of previous years and ensure a serious implementation of the Catch Certification Scheme. This approach combined on the dialogue for improving compliance and implementation of FAO codes of conduct and PSMA will be a move in the right direction.



Questions from the floor

Daniel Voces, as WG 5 Vice Chair, expressed the LDAC support to the work done by the IUU unit to date and the good progress made by the EU on the implementation of the fight against IUU Policy in the EU.

Roberto Cesari made also a rapid intervention to answer a question made by **Nikolas Evangelides** on specific information on the following countries:

- Colombia and Costa Rica: no active dialogues with the EU to date;
- Oman: started dialogue but came at a second priority.
- Sierra Leone: disappeared from the discussions in the last years.

Edelmiro Ulloa and **Javier Garat** expressed on behalf of their fleets their frustration on how China limits imports of fishing products from the EU into its national market (with list of approved establishments, restrictions...) while the EU is not as strict when importing Chinese fishing products into the EU market. They advocate for a level playing field and the introduction of “mirror market clauses” if necessary. Moreover, they reminded that China has been blocking, the EU proposal for anti-finning policy for sharks in the context of tuna RFMOs. They also do unmonitored transshipments at sea and have vessels at sea for several years with violation of basic human rights and labour standards. Last, they remind the high number of freezer trawler and surface longline Chinese-owned vessels operating in the EEZs and high seas around Africa, the Southwest Atlantic and the Pacific, and they consider this as a national strategy driven to secure their food supply in the future at the expense of their competitors.

Daniel Voces announced a new EP INI report on “IUU fishing; impact of food security and role of the Commission” lead by MEP **Nuno Melo**, EPP.

Raul García asked some information on what the EC can do against illegal use of large scale driftnets by Moroccan fleet. **Roberto Cesari** recalled that if an EU Member State authority have doubts on veracity and legality of catch certificates and consignments, they have the mutual assistance system to ask the exporting country to provide more info. If there is no response within 15 days, they are entitled to reject the consignment and sent it back. For Morocco, there is both an SFPA in place and the ICCAT legal framework to comply. Mr Cesari also recalled that opening an IUU dialogue with Morocco would imply to verify all the legislation of that country, a big task that should not be underestimated looking at the resources of the IUU unit.

On the assessment of the IUU system in Senegal, **Roberto Cesari** explained that it is one of the countries currently under the EC radar for scrutiny. The EC has tried to collaborate with them in ICCAT without success. In March 2022, a questionnaire was sent to Senegalese competent authorities to kick-off the procedure. The answer came in in February 2023. The EC has the intention of visiting the country before summer. Another country of interest with high risk of IUU fishing is The Gambia.

Mauritius is the hub of Taiwan fleets, and Thailand is subject to comply with FAO PSMA control measures and inspect reefers coming to Bangkok, Phuket or Sokkla from the Pacific.



Béatrice Gorez asked a question on coordination of DG MARE with DG INTPA (in charge of EC International Partnerships) and reminded of ongoing projects fully or partly funded by the EU such as PESCAO, ECOFISH or FISH4ACP. Roberto Cesari agreed with the observation about possible conflicts or inefficiencies between the policies of DG MARE and DG INTPA in certain aspects. He explained that coordination is improving but DG INTPA is also facing limited resources with only two staff persons dedicated to fisheries.

In Philippines, **Roberto Cesari** explained that it is another country that they have been monitoring as a former yellow card country and visited them at the end of January. Now, they have been given a one year deadline to sort out their current problems on operationalisation and implementation of VMS which is at the level of the Supreme Court.

4.3. LDAC draft letter to DG MARE on ECA special report on the EU IUU policy

The WG 5 Vice-Chair, Daniel Voces, recalled that the Secretariat has prepared a letter of support to the recommendations of the ECA special report on the EU IUU policy.

The LDAC Chair, **Iván López**, proposed a modification to the draft presented to include DG Mare staffing problem generally. As action point, the WG5 members agreed to accept this modification and change some wording to reflect our wish for increased resources for units on IOG, SFPAs, RFMOs and IUU fishing before recirculating the letter for final comments and adoption by the Executive Committee.

Daniel Voces noted that MEP Bellamy, EPP, launched a [question](#) on that same subject of budget reductions and limitations for EC staff to travel to comply with the EU Green Deal as well as the pending vacancy in the Direction B on International Fisheries of the DG MARE.

5. China's role in world fisheries and aquaculture

5.1. Presentation of EP PECH Research Project on the role of China in world fisheries and aquaculture.

Irina Popescu and **Marcus Breuer** from Policy Department B – Structural and Cohesion Policies of the European Parliament made a [presentation](#) of the [study on the Role and Impact of China on world fisheries and aquaculture](#). They thanked the LDAC membership for their active contribution to the outcomes of this study. They showed that the first estimated figures of number of Chinese distant water fishing vessels and its landings was made in 2012. The estimated landings are around 3-4 million tonnes, which represents about a quarter of the total mainland China catch. This catch comes mostly from waters in West Africa, and the Pacific Ocean close to South America. The Chinese started fishing in high seas in 1995, and since then they have increased their activities. In terms of material scope of the study, some "hotspots" were selected as case studies, namely: Mauritania and Senegal, Ecuador, Madagascar, Mauritius and Solomon Islands. It was observed in the last year a remarkable shift of China from processing and exporting country of fishing products to a consuming and importing one.



Q&A session from members:

Javier Garat underlined some concern on the methodology of the study led by Dr Pauly to calculate the number of vessels. They also made remarks on some gaps or missing references on the bibliography as well as stakeholders interviewed/targeted. However, all WG5 members showed their support and endorsed the overall conclusions.

Andrea Albertazzi made a question on the issue of safety and labour conditions at sea of Chinese fishing vessels. Irina Popescu explained that this was not the main theme of the study. However, she noted that there will be another study that will deal with working conditions, training and social security at EU level.

Raul García noted that Dr Pauly anticipated the expansion of the Chinese DWF as a national strategy of planned economy for food security in view of the insufficiency to feed to the Chinese market (average consumption of 16kilos per person) only with catch from the Chinese Sea for a country of 1 500 million people. However, he mentions that there is hope on the new approach adopted by China to reduce environmental impacts in the so-called “ecologic century”. One step is that China has agreed to support and adopt the UN BBNJ Treaty.

In terms of next steps, this study will feed Pierre Karleskind’s INI report in preparation on the same topic. Marcus Breuer encouraged LDAC members to make some comments on the study on PECH Committee’s [blog](#). The questions could be sent to the author.

Daniel Voces recapped the discussions held in this item noting that most conclusions of this study will be considered and integrated in future LDAC advice and made some additional remarks, namely:

- There are discrepancies between the clear identification of unfair competition from China and the proposed solutions that are mere recommendations to have more transparency on the EU side. The EC needs to use existing legislative and market tools available, for example, the recently adopted WTO agreement on harmful fisheries subsidies.
- Support more funding for Civil Society Organisations to demand more transparency in the activity on the external fishing fleets: it is also important that Member States and EC are involved on this.
- There is not enough emphasis on IUU and what actions can be taken against these practices in the report.

ACTION POINT: the WG5 will wait to receive a response in writing from EC on the recent LDAC advice and will then look and reflect again on this topic that will be included as agenda item for next WG5 meeting.



5.2. Follow up of LDAC-MAC Advice on Addressing China's global distant water fleet activities implications for fisheries governance.

Due to lack of reply from EC, this item was agreed to be removed from the agenda.

6. Review of Fisheries Control Regulation and transparency of fishing activities

6.1- Presentation on the results of the study “*Assessing the effectiveness of EU controls to prevent illegal seafood imports*” (OCEANA-IUU Coalition)

Vanya Vulperhorst [presented](#) the study titled “[Assessing the effectiveness of EU controls to prevent illegal seafood imports](#)” on behalf of the EU IUU Coalition (EJF, Oceana, The Nature Conservancy, PEW, WWF). It is based on the biennial reporting of EU Member States on how they have implemented the EU IUU regulation, with particular focus on catch certificates. The report mainly looked at imports with high risk of IUU product: it is the percentage of import catch certificates from carded non-EU countries.

A similar presentation was done to the MAC in January 2023. A draft advice is already ready for discussion in the MAC. It contains a number of recommendations for the European Commission such as: ensure standardized risk analysis criteria; make a benchmark of verifications of certificates; make biennial reports publicly available, hold Member States accountable for their level of internal compliance; encourage the swift inclusion of comprehensive risk criteria and data cross-checks in CATCH IT system; or expand EFCA trainings.

Ivan López asked if an analysis on diversion of traffic has been done that could explain some changes in the number of rejection of consignments. **Vanya Vulperhorst** explained that this analysis was done in the 2019 report. It has shown that diversion of import to Italy has occurred and then re-exported to Spain.

Daniel Voces proposed to the LDAC Secretariat to contact the MAC and ask for receiving the draft MAC advice and evaluate the opportunity to co-sign it/propose some changes.



6.2- Preparation of a draft letter to DG Vitcheva on how to improve transparency for SFPAs and how to improve the data available for the SMEFF authorisations

Vanya Vulperhorst explained that this proposal is a follow up of an action agreed at the InterAC meeting held in November 2022. In there, DG Vitcheva asked to receive all information and pieces of advice from the LDAC on transparency in SFPAs and implementation of SMEFF Regulation. The proposal is to send a letter to Vitcheva providing that information.

ACTION: A draft letter will be prepared and submitted to DG Vitcheva.

7. Presentation by DG MARE of Fisheries policy package adopted on 21 Feb 2023:

7.1. Communication on the functioning of the CFP: focus on External Dimension.

On this point, there was nobody from the EC as the presentation was already done at the InterAC meeting. **Daniel Voces** led the discussion on what LDAC should produce on this topic, taking into account that the evaluation of SFPAs is ongoing and will be available in 2-3 months and that the EC is preparing a communication on the External Dimension of the CFP.

The acting Chair proposed to start reflections at the next LDAC General Assembly in May in Sweden. The discussion should reflect fisheries challenges in relation to a broad range of topics: COVID, Brexit, Ukraine, climate change, Norway, Morocco, RFMOs...

WG5 members intervening considered that the package has little influence for the external dimension of the CFP. It is proposed however to produce some advice in order to feed the discussions on this topic by the next European Commission team, and the new EP in 2024. The LDAC Secretariat team will be entrusted with collating different pieces of information, including previous advice, responses to EU public consultations, and all working papers that members can provide. A LDAC dedicated Focus Group will be scheduled for such purpose. **Alexandre Rodriguez** reminded that further technical analysis and remarks made on the CFP External Dimension are more evident in the Staff Working Document which has been made publicly available as supporting paper together with the Communication. He acknowledges that these arguments should also be taken into account for the work of the LDAC to be more strategic.

ACTION: The LDAC Secretariat will gather technical arguments and evidence with regard to LDAC views to improve implementation of the CFP External Dimension. Once this information base is ready, a concept note will be drafted, and a call of interest launched to set up a dedicated Focus Group to build a fully-fledged advice in 2023/2024.



7.2. Energy transition in the EU fisheries and aquaculture sector

The EC representative, **Ana Peralta**, presented the [EC Communication on the Energy Transition of the EU fisheries and aquaculture](#). The presentation explained the rationale of this legislative initiative to cut CO2 emissions and energy consumption by reducing or eliminating fossil fuel dependency, energy costs and increasing the long term profitability of the fishing fleets. There is a need to accelerate the energy transition in the sector towards more renewable energies or alternative low carbon ones. She recalled that the document intends to start the discussions through proposing actions to set the pace for stakeholders to start moving towards the objective of reducing CO2 emissions and moving away from fossil fuels and looking.

The present challenges and barriers for energy transition are:

- Fostering cooperation between stakeholders (not only the fishing industry but broader)
- Creating Knowledge and innovation
- Developing adequate workforce skills (including training and digitalisation)
- Facilitating access to funding and financing opportunities

The EC Communication identified 4 main areas to accelerate the energy transition, namely:

1. Improve the governance framework and coordination/cooperation between stakeholders with the Energy Transition Partnership.
2. Close the gaps in available technology and knowledge through R&I.
3. Improve the business environment, including financing opportunities and awareness.
4. Develop skills and a workforce that is prepared for energy transition.

Q&A from LDAC members:

Some members underlined some shortcomings that have not been addressed or properly dealt with by this Communication: evolution of capacity ceilings; extension of financing possibilities; analysis by fleet segmentation to take into account different challenges.

Javier Garat made a summary of existing knowledge on alternative fuels to prove how deep and committed the fishery sector is on this reflection but showed concern that there are at present very few feasible solutions, gaseous fuels (i.e. hydrogen or LNG) which would require increasing the size of the vessels and might clash with current EU legislation on fishing capacity measured in GTs. Mr Garat also recalled that European fleets have already cut their CO2 emissions by 50% in the last thirty years and operate all around the world so there is the issue also of access to supplies for distant water vessels in ports far from Europe. He also stated that fuel taxation will only penalise the sector.

Alexandra Phillippe recalled that the discussion on Energy Transition should go in two paths: energy efficiency and alternatives to fossil fuels.

On profitability, **Andrea Albertazzi** and **Daniel Voces** underlined that this scheme should take into account different situations but also that new alternatives to fossil fuels will not necessarily be more viable and profitable at least in the short term.



Iván López asked to the EC representative not to consider the fishing industry simply as another stakeholder on that issue without enhanced voice or weight vis à vis other stakeholders as they are the ones who are going to implement it, be affected and pay for it. He also advocates for more refined approach based on fleet segmentation to implement changes on board fishing vessels. He thinks that changing the engines of the vessels would not be a viable solution.

Ana Peralta agreed that the Communication presented is still at the theoretical level, but the practical part should come from the fishing sector in terms of innovation, research and providing feasible alternatives to fossil fuel engines. The EC wants to remain neutral at this moment of time and open and flexible to take innovation solutions from the industry.

Regarding funding, we will make available all possible EU funds to put in the energy transition targeted to the sector specifically and have all in one single piece of information.

EMFAF is there, but there is also other sources such as Blue Invest, Mission Ocean, H2020, etc.

For the shipping industry, the funds will be accessible within the ETS (emission trading system, as carbon market) but for fishing is being discussed with our colleagues in MOVE.

Even if technical barriers occur, like capacity ceilings and technological limitation, the EC representative agreed on the two ways targeted in the Communication:

1. Energy efficiency.
2. Energy replacement.

The EC representative announced the funding for projects might be available under the Mission Ocean Programme, on a sea basin mechanism. Furthermore, the Energy Transition Partnership will be launched on 16 June 2023, with an official kick-off conference under the Spanish Presidency of the EU. The objective is to have a technical platform that gather all the information and organise seminars and workshops. This partnership should produce a roadmap and a proposal on how to reach energy transition by 2050.

ACTION: The LDAC will start collecting information ahead of the Conference with a focus on practical issues for implementation for the Long Distant Fleets.

7.3. Action Plan to protect and restoring marine ecosystems for sustainable and resilient fisheries - interlinks with CFP International Dimension (CBD, BBNJ).

This point was not addressed due to lack of relevant expertise.



8. International Ocean Governance – Update by DG MARE on:

8.1. Outcome of extended 5th IGC on BBNJ (20 February-3 March 2023)

The EC representative, **Aurore Maillet**, summarised briefly the discussion on the UN Treaty of Biodiversity Beyond National Jurisdictions, known as BBNJ, and announced that it has been adopted and this was considered a “victory for the Oceans”. The BBNJ is now under the process of formal adoption and then it will be followed by the ratification phase in order to enter into force which will require at least that 60 parties sign it. The key elements of this “Treaty for the High Seas” are:

1. Area Based Management Tools (ABMT) including designation for Marine Protected Areas (MPAs) in the high seas.
2. Sharing of benefits from marine genetic resources.
3. Capacity building
4. Transfer of marine technology.

Javier Garat recalled that Europêche and ICFA welcomed the adoption of this treaty.

8.2. 15th UN Convention on Biodiversity (COP15, Dec. 2022)

The DG Environment representative, **Anne-Theo Seinen**, made a summary of the last 15th UN Convention on Biodiversity. This is the sister convention for UNFCCC. The COP used to happen every 2 years, but because of the pandemic the last one took place 4 years ago. During that meeting, it was discussed a [new Global Biodiversity Framework](#).

The target 5 is on overexploitation: “*Ensure that the use, harvesting and trade of wild species is sustainable, safe and legal, preventing overexploitation, minimizing impacts on non-target species and ecosystems, and reducing the risk of pathogen spillover, applying the ecosystem approach, while respecting and protecting customary sustainable use by Indigenous peoples and local communities*”. The EC representative also underlined the targets on mainstreaming : target 10 ‘*areas under agriculture, aquaculture, fisheries and forestry are managed sustainably*’ (“FAO target”), target 14 ‘*the multiple values of biodiversity are integrated into decision-making at all levels*’, target 18 ‘*reduce harmful incentives*’.

8.3. 2022 UNGA Resolution on Sustainable Fisheries

The EC representative, **Marc Richir**, took a stock on informal consultation of Parties on UN Fish Stock Agreement that focuses on progress made by RFMOs and on overall situation of fish stocks. The priority points to the review conference are fight against IUU fishing, cooperation between RFMO, cooperation between UN legal instruments (Biodiversity instrument, MPA and OECMs), effects of loss of biodiversity and climate change on fisheries, and also science based decision making on species. It was also proposed that the report could underline both positive and negative examples on fisheries management and conservation. The review Conference should assess whether all recommendations adopted in 2016 review conference have been duly followed up.



8.4. The 19th Conference of the Parties on CITES (November 2022)

The EC representative, **Isabelle Garzon**, recalled that the aim of CITES is to protect animal and plants of overexploitation through international trade. CITES COP19 has adopted 45 out of 52 proposals by the parties in the CITES Appendixes, new controls on trade to ensure sustainability for more than 500 additional species in total. Around 100 marine species (essentially sharks, rays and sea cucumbers) have been included in the annex.

For sharks, the whole family of *requinae sharks*, including blue shark was added in the Annex II. It will enter into force on 20 November 2023. She recalled the Annex II's purpose, i.e., to monitor trade. It will be implemented through EU wildlife regulation. The EC is committed to support cooperation between CITES and RFMOs in order to limit administrative burden for stakeholders.

Javier Garat recalled that the fishing sector is firmly against the inclusion of Blue Shark into Annex II of CITES based on scientific and management reasons. In terms of science, the inclusion of blue shark was not recommended by the opinion and report of the FAO panel of experts but has been ignored by CITES. Blue shark is not a sensitive species like other sharks. It is a political decision in response of NGO growing pressure. Now, fishers will face administrative burdens, even worse than for shortfin mako. At the end and once again, only European fleets will likely abide by the rules and face these constraints.

Isabelle Garzon replied to Garat comments and explained that the proposal does not come from DG MARE. She highlighted three points:

1. There was a lot of scientific evidence around the family of sharks to where blue shark belongs to for supporting its inclusion under the listing in Annex II. However, the EC is committed to work on improving interaction of CITES scientific process with other scientific processes conducted by RFMOs, FAO and other bodies.
2. The FAO Panel approach was not considered, including by the EU, in line with interpretation of CITES criteria. That adds on to the complexity of interrelationship of different bodies.
3. On the administrative burden for affected fishing fleets, the EC is aware and committed to work on the way to better work at national and EU level between ENVI and MARE administrations.

Javier Garat added two points: the decision was taken by certain Member States because they do not fish or have any direct commercial interest for Blue Shark. This is a clear case of "greenwashing" for countries such as Panama, helped by some private foundations and NGOs.

Daniel Voces endorsed the points made by Mr Garat and demanded more stakeholder consultations to the EU before adopting such positions at CITES in future.

Raul García explained that for WWF the point is on how this decision will be implemented by non-EU Coastal States, other than EU members. He also underlined the good work done at ICCAT level for blue shark, as an example for other oceans and parts of the world, and encouraged them to work jointly with fishing industry, NGOs in developing management plans with HCR and improve stock assessments.



The EC representative took note of all the above comments. She also pointed out that with the inclusion of blue shark in the CITES listing, data on international trade of those sharks should be duly recorded. She made an update on the program on EU Wildlife Traffic: marine species are highlighted and development of cooperation with third countries to better implement CITES regulations.

9. Social Dimension of CFP and labour issues linked to imports and trade:

9.1. Presentation of the European Commission of its proposed to prohibit products made with forced labour on the EU market.

The EC representative, Lennart Grundberg from DG GROW, presented the EC Proposal to prohibit products made with forced labour on the EU market. Such proposal is based on ILO indicators to identify forced labour. The proposal is both addressed to imported products into the EU market and products made and manufactured from the EU, for all sectors. The idea is to have a risk-based approach, focusing on big actors, but also on SMEs. In terms of implementation at national level, it will be applied by national authorities.

The Process will be based on prior information that will feed a database for authorities to look at specific products, sectors, and regions of the world. It could be based on submissions from other stakeholders, own initiative investigations or other sources of information to gather evidence. If there is no evidence of forced labour, the product will be made available for the market. If the product is already on the market, it will be withdrawn. This will be the case for all kind of products, whether perishable or not.

9.2 Social Partners resolution on forced labour.

Daniel Voces explained that the LDAC will circulate the Resolution on Forced Labour in Fishery Sector that has been signed by both Europeche (Employers) and ETF (Trade Unions).

9.3. Update by the European Commission on the development of the new legislation on Due diligence in the value chain. Importance for the social and environmental sustainability of EU fisheries value chains.

The EC representative, Juan Gómez-Riesco, from DG JUST, presented the proposal for an EU directive on Corporate Sustainability and Due Diligence in the EU fisheries value chains. The aim of that proposal is to, in a horizontal approach, address the negative impacts for human rights, environment of value chain of large companies. It contents:

- Obligation to set up due diligence processes by large companies in order to identify, prevent, mitigate and bring to an end those negative impacts on human rights and environment down the value chain.
- Obligation to communicate or monitor objectives of the companies.
- Tackling climate change, by obliging companies to set up a plan align with the goal of 1.5°C of the Paris Agreement.



Two groups of large companies are set up as targets: i) More than 500 employees and more than 200 million euro as global turnover; ii) More than 250 employees and 14 million nets of turnover. It will be applicable to both EU companies and non-EU companies set in EU soil.

The Council has already established its position. It takes more time in the European Parliament as several Committees are competent and interested in the topic. The Committee in lead is the one on Legal Affairs (JURI), but there are other 8 committees associated. The EP position is expected to take place at end of April and in the EP Plenary in May or June. The trilogue will start under Spanish presidency of the EU. The application on the ground is tabled to be 2 years of transposition for the first group of largest companies; and 2 more years for the second category.

10. Report on outcomes and actions of Inter-AC meeting (9 March 2023)

ACTION: Due to lack of time, information on this meeting will be circulated by the LDAC Secretariat via email.

11. AOB.

Next WG5 meeting is scheduled for October 2023.

The Chair thanked all the participants of the meeting for their contributions, interpreters for the quality of their work and Secretariat for the coordination and closed the meetings.

CLOSURE OF THE MEETING



Annex I: Attendance list LDAC WG5, 23 March 2023

WG5 MEMBERS (in person)

- | | |
|--|---|
| 1. Daniel Voces. EUROPECHE | 11. Eduardo Miguez. Puerto Celeiro |
| 2. Béatrice Gorez. CFFA-CAPE | 12. Andrea Albertazzi. ETF |
| 3. Rosalie Tukker. Europeche | 13. Vanya Vulperhorst. OCEANA |
| 4. Amelie Giardini. EJF | 14. Joelle Philippe CFFA-CAPE |
| 5. Raúl García. WWF | 15. Nikolas Evangelides. The Pew Charitable Trust |
| 6. Iván López. AGARBA/CEPESCA | 16. Alexandra Philippe. EBCD |
| 7. Julio Morón. OPAGAC | 17. Despina Symons. EBCD |
| 8. Javier Garat. CEPESCA | 18. Jacopo Pesquero. EBCD |
| 9. Erik Olsen. The Danish Society for a Living Sea | 19. Yobana Bermudez. CONXEMAR |
| 10. Edelmiro Ulloa. Opnapa / OPP3/ Acemix / Agarba | 20. Isabel Mariño. CONXEMAR |

OBSERVERS (in situ)

- | | |
|---|---|
| 21. Roberto Cesari. DG MARE (point IUU) | 27. Hidde Politiek. DG MARE (point 7.2 energy transition) |
| 22. Desiree Kjolsen. DG MARE (point IUU) | 28. Isabelle Garzon. DG MARE (adviser in directorate B) |
| 23. Maria Grazia Cantarella. DG MARE (trainee, point IUU) | 29. Juan Gómez-Riesco. DG JUST |
| 24. Marcus Breuer, EP (Study on China) | 30. Pedro Reis. MAC |
| 25. Irina Popescu, EP (Fisheries research administrator) | 31. Caroline Mangalo. BG Consulting |
| 26. Ana Peralta. DG MARE (point 7.2 energy transition) | 32. Alexandre Rodríguez. LDAC |
| | 33. Manuela Iglesias. LDAC |

WG5 MEMBERS (by ZOOM)

- | | |
|---|---------------------------------------|
| 34. Tim Heddemma. Pelagic Freezer-Trawler Association | 38. Felicidad Fernández. ANFACO/AIPCE |
| 35. Héctor Fernández. Bolton Food | 39. José Beltrán. OPP-Lugo |
| 36. Juan Manuel Liria. CEPESCA | 40. Rob Banning. DPFA |
| 37. Roberto Carlos Alonso. ANFACO/AIPCE | 41. Bruno Nicostrate. Seas At Risk |
| | 42. Anaid Panossian. CFFA-CAPE |

OBSERVERS (via Zoom)

- | | |
|---|---|
| 43. Anne Theo Seinen. DG ENV (UN Conv. biodiversity, COP...) | Entrepreneurship and SMEs (GROW) |
| 44. Aurore Maillet. DG MARE B1 | 48. Annina Bürgin. Fundación MarlInnLeg |
| 45. Marc Richir. DG MARE | 49. Mariana Toussaint. FAO |
| 46. Sofía Villanueva. DG MARE | 50. Alberto Martín. MSC |
| 47. Lennart Grundberg. DG GROW (forced labour) Directorate-General for Internal Market, Industry, | 51. Pedro Galache. EFCA |



- 52. Sébastien Metz. Sakana
Consultants
- 53. Amaia Silanes. SGP-MAPA
- 54. Carlos Lorenzo. SGP-MAPA
- 55. Carla Baz. MarInnleg
- 56. Konstantinos Kalamantis. EP